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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Robert Torres

JUDGE TORRES

14 CV 4885

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION

DOE NEW YORK CITY

Jury Trial: ☒ Yes ☐ No

NAMITA DWARKA

PRINCIPAL OF W.E. Bryant H.S.

(If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. Typically, the company or organization named in your charge is the Equal Employment Opportunity Commission should be named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).  
NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.  
NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.  
NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☐ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

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- ☒ Retaliation.  
☒ Other acts (specify): Unsatisfactory end of year evaluations

*Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the Federal district court under the federal employment discrimination statutes.*

B. It is my best recollection that the alleged discriminatory acts occurred on: 6/20/12 & 7/14/13 & 20/14  
 (Date)

C. I believe that defendant(s) (check one):

- ☒ is still committing these acts against me.  
☐ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

- ☐ race \_\_\_\_\_ ☐ color \_\_\_\_\_  
☐ gender/sex \_\_\_\_\_ ☐ religion \_\_\_\_\_  
☐ national origin \_\_\_\_\_  
☒ age. My date of birth is 5/23/1962 (Give your date of birth only if you are asserting a claim of age discrimination.)  
☐ disability or perceived disability. \_\_\_\_\_ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

See attached document.

*Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.*

### III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: November 27, 2013 (Date).

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**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Robert Torrens  
 Street Address 70-11 45th Avenue, Apt. 2  
 County, City Elmhurst  
 State & Zip Code New York 11378  
 Telephone Number 718-457-3632

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name DOE NYC Naniwa Dwaika  
 Street Address 32 Chambers St.  
 County, City New York  
 State & Zip Code New York 10007  
 Telephone Number \_\_\_\_\_

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer W.C. Bryant High School  
 Street Address 44-10 31st Avenue  
 County, City Long Island City  
 State & Zip Code NY 11105  
 Telephone Number 718 721 5404

**II. Statement of Claims:**

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

- ☐ Failure to hire me.  
☐ Termination of my employment.  
☐ Failure to promote me.  
☐ Failure to accommodate my disability.  
☒ Unequal terms and conditions of my employment.

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B. The Equal Employment Opportunity Commission (check one):

☒

has not issued a Notice of Right to Sue letter.

Issued a Notice of Right to Sue letter, which I received on 3/31/2014 (Date).

*Please Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.*

C. Only filigante alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows:

Emotional Damages, defamation of character, lack of opportunities to get a job somewhere else, although the 18-D was rejected by the judge by her rating me U on the year 2011-2012 I was disqualified to re-apply.

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 29 day of June, 2014.

Signature of Plaintiff

Address

76-11 45th Avenue, Elmhurst 11373

Telephone Number

718 457 3652

Fax Number (if you have one)

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**ADDENDUM FOR FEDERAL COMPLAINT OF ROBERT TORRENS**

1. I have been employed as a New York City high school mathematics teacher for 18 years since 1999, and am presently assigned to W.C. Bryant High School in Queens, New York, under Principal Namita Dwarka.
2. I am presently 52 years old.
3. I was a consistently Satisfactory rated teacher for years before Principal Dwarka arrived.
4. Since Principal Dwarka became principal of the school, she has targeted at least many older teachers, including myself, with Unsatisfactory annual ratings and impossible to implement so-called "improvement plans." Nine teachers over 40 years old received Unsatisfactory annual ratings for 2011-12, and five out of six teachers over 40 years old received Unsatisfactory ratings for the year 2012-13.
5. Since I filed a federal EEOC charge against Principal Dwarka, she has retaliated against me with another ineffective rating for 2013-14, even though I had the highest Regents scores in my subject. Another younger teacher received low Regents scores, yet received an effective rating. My assistant principal was going to rate me satisfactory, but observations were altered in a way to reflect an unsatisfactory rating.
6. I believe I have been discriminated based on age under the Age Discrimination in Employment Act (ADEA), as well as retaliated against for filing an EEOC charge against Principal Dwarka.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MEMORANDUM

Ruby J. Krajick

CLERK OF COURT

JUDGE TORRES

Date: 6/30/14

**14 CV 4885**

Reply to *RJ*  
Attn of: Pro Se Intake Unit

Subject: New Civil Case

To: Cashier's Office

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I have examined the attached papers, please accept them for new case filing.

Thank you,



Pro Se Intake Clerk